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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FILED/ACCEPTED
SEP 18 2007
Federal Communications Commission
Office of the Secretary

In the Matter of) EB Docket No. 07-13
)
DAVID L. TITUS) FRN No. 0002074797
) File No. EB-06-IH-5048
Amateur Radio Operator and Licensee of)
Amateur Radio Station KB7ILD)

To: Richard L. Sippel
Chief Administrative Law Judge

ENFORCEMENT BUREAU'S
STATUS REPORT

1. The Enforcement Bureau, pursuant to the Presiding Judge's *Order*, FCC 07M-30 (released August 29, 2007), hereby submits this report to the Presiding Judge regarding the status of discovery in this proceeding.

2. The Bureau is actively engaged in the process of amassing evidence to meet its burdens at hearing. To this end, the Bureau has, among other things, noticed David Titus to be deposed on Thursday, September 27, 2007, in the Seattle area, and has made necessary arrangements for that trip.

3. David S. Marshall, Mr. Titus' counsel,¹ informed the Bureau on Friday, September 14, 2007, less than two weeks before Mr. Titus' deposition in Seattle, that Mr. Titus is considering calling an as yet unidentified expert witness from the Seattle area to testify at the hearing on Mr. Titus' behalf. Clearly, the Bureau would expect to have the opportunity to depose such witness (and all other witnesses whom Mr. Titus intends to

¹ The Law Office of David S. Marshall entered an appearance on behalf of Mr. Titus in March 2007, shortly after this case was designated for hearing.

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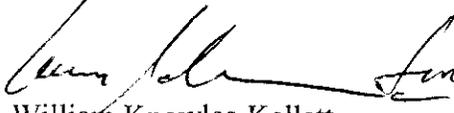
call to provide direct testimony) prior to the hearing. The Bureau believes it would be an inefficient use of scarce Commission resources not to arrange for all such depositions in the Seattle area during a single trip. Thus, the Bureau very reluctantly may be compelled to delay Mr. Titus' deposition, currently scheduled for next week, until such time as it is also able to depose Mr. Titus' expert and other witnesses upon whom Mr. Titus intends to rely.² The Bureau notes that such a delay in discovery could necessarily delay the commencement of the hearing in this proceeding.

3. The Bureau and Mr. Marshall are engaged in discussions to craft an appropriate protective order so that the Bureau may question Mr. Titus about certain documents of a sensitive nature at his deposition.³

Respectfully submitted,
Kris Anne Monteith
Chief, Enforcement Bureau



Gary Schonman
Special Counsel, Investigations and Hearings Division



William Knowles-Kellett
Attorney, Investigations and Hearings Division

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September 18, 2006

² Because the government's fiscal year begins on October 1, 2007, rescheduling the Bureau's trip to Seattle may be impacted by the availability of funding under a new budget.

³ While Mr. Titus would ordinarily be restricted to using the Freedom of Information Act to request copies of Commission records, in this case, due to the sensitivity of some of the documents, the Bureau would prefer to produce the documents pursuant to an appropriate protective order.

CERTIFICATE OF SERVICE

Alicia McCannon, an Industry Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 18th day of September, 2007, sent by first class United States mail copies of the foregoing "Enforcement Bureau's Status Report" to:

David S. Marshall, Esq.
Law Office of David S. Marshall
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Seattle, WA 98154
Counsel to David L. Titus

Chief Administrative Law Judge Richard L. Sippel*
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Alicia McCannon

* Hand-Delivered